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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/659,517

09/11/2003

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10/27/2009

EXAMINER

RAPP, CHAD

ART UNIT

PAPER NUMBER

2121

MAIL DATE

DELIVERY MODE

10/27/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                      |  |
|------------------------------|--------------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/659,517 | <b>Applicant(s)</b><br>SADRE, MAMOUD |  |
|                              | <b>Examiner</b><br>CHAD RAPP         | <b>Art Unit</b><br>2121              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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1. Claims 1-15 are presented for examination.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. It is unclear whether the applicant possessed the invention at time the application was filed.

4. Claims 1-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. No software was disclosed therefore one of ordinary skill in the art would be blind in finding results using undue experimentation

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 1-12 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riley et al.(6,633,788) in view of Rushton et al.(The Handbook of Logistics and Distribution Management”) and further in view of McClendon et la. (6,625,619).

Riley et al. teaches the claimed invention(claim 1) substantially as claimed including a system methodology and procedure that extracts root products and transforms that to a generic product, comprising:

a. Means for building taxonomy for manufacturing sectors is taught as the product descriptions are stored in database in the form of hierarchical tree or taxonomy(col. 6 lines 21-24);

b. Means for extracting root products in a manufacturing sector is taught as generic data at top level and each level down getting more specific till you obtain the root(col. 12 lines 25-28 and col. 14 lines 14-20);

d. Means for developing generic specifications for root products is taught as aero engine is the root product. A level-up is gas turbine and the next level the generic level is mechanical rotating product(col. 12 lines 23-40);

f. Means for storing, comparing, unifying and updating product specifications is taught as the product descriptions are stored in database in the form of hierarchical tree or taxonomy(col. 6 lines 21-24).

Riley et al. teaches the above listed details of the independent claim 1, however, Riley et al. does not teach: means for generating taxonomy of sector products based on Pareto's Distribution Law and means for compiling products pricing and marketing information.

Rushton et al. teaches:

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a. Means for generating taxonomy of sector products based on Pareto's Distribution Law is taught as Pareto analysis known as 20/80 rule (page 107).

It would have been obvious to one of ordinary skill in the art at the time the invention was made or used to modify the teachings of Riley et al. with the teachings of Rushton et al. because Rushton et al. teaches a crucial method used in logistics for identifying the major elements of any business or operation. By identifying these main elements it is possible to ensure that , for analytical purposes any assessment is based specially on the key aspects and not to taken up with peripheral details. Also it reduces the amount of data the database must hold using generic product structure that include multitude of product as in a hierarchical tree structure.

McClendon et al. teaches

a. Means for compiling products pricing and marketing information is taught as cost estimating (col. 20 line 65 to col. 21 line 46).

It would have been obvious to one of ordinary skill in the art at the time the invention was made or used to modify the teachings of Riley et al. with the teachings of Rushton et al. because Rushton et al. teaches proving a system and method got identifying and organizing construction product information is such a way that product data sets are readily defined and recorded, quickly searched and compared. The taxonomy is specially designed to a computer.

As to claim 2, Riley et al. teaches wherein said taxonomy for manufacturing sector, allows products to be systematically grouped based on manufacturing process is taught as the specific procedure(products) are under the generic processes(manufacturing process)

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As to claim 3, Riley et al. teaches wherein said group of products are further detailed to identify sub-group products is taught as the taxonomy tree had branches(sub groups)(col. 11 lines 59-61).

As to claim 4, Riley et al. teaches wherein said subgroup of products are repeatedly detailed until root products are identified is taught as generic data at top level and each level down getting more specific till you obtain the root(col. 12 lines 25-28 and col. 14 lines 14-20).

As to claim 5, McClendon et al. teaches wherein said generic specification consists of compiling specifications for products, including information on producers and suppliers of products is taught as manufacture, brand name and cost etc.(col. 11 lines 9-37).

It would have been obvious to one of ordinary skill in the art at the time the invention was made or used to modify the teachings of Riley et al. with the teachings of Rushton et al. because Rushton et al. teaches proving a system and method got identifying and organizing construction product information is such a way that product data sets are readily defined and recorded, quickly searched and compared. The taxonomy is specially designed to a computer.

As to claim 6, Rushton et al. teaches wherein said market demand for sector products is evaluated by applying Pareto's distribution Law is taught as the typical Pareto curve shows where 20% of products give 80% of value. The 80/20 rule(page 107).

It would have been obvious to one of ordinary skill in the art at the time the invention was made or used to modify the teachings of Riley et al. with the teachings of Rushton et al. because Rushton et al. teaches a crucial method used in logistics for identifying the major elements of any business or operation. By identifying these main elements it is possible to ensure that , for analytical purposes any assessment is based specially on the key aspects and not

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to taken up with peripheral details. Also it reduces the amount of data the database must hold using generic product structure that include multitude of product as in a hierarchical tree structure.

As to claim 7, Rushton et al. teaches wherein a procedure determines market share of products is taught as the typical Pareto curve shows where 20% of products give 80% of value. The 80/20 rule(page 107).

It would have been obvious to one of ordinary skill in the art at the time the invention was made or used to modify the teachings of Riley et al. with the teachings of Rushton et al. because Rushton et al. teaches a crucial method used in logistics for identifying the major elements of any business or operation. By identifying these main elements it is possible to ensure that , for analytical purposes any assessment is based specially on the key aspects and not to taken up with peripheral details. Also it reduces the amount of data the database must hold using generic product structure that include multitude of product as in a hierarchical tree structure.

As to claims 8-11, Riley et al. teaches wherein all relevant specifications of products are stored, wherein a procedure compares and selects products with a similar specifications, and wherein the specification of root products are unified to produce a generic specification and wherein a procedure, updates all specifications is taught as the product descriptions are stored in database in the form of hierarchical tree or taxonomy(col. 6 lines 21-24).

As to claim 12, McClendon et al. teaches wherein a procedure collects, stores and updates products pricing data is taught as cost estimating (col. 20 line 65 to col. 21 line 46).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made or used to modify the teachings of Riley et al. with the teachings of Rushton et al. because Rushton et al. teaches providing a system and method for identifying and organizing construction product information in such a way that product data sets are readily defined and recorded, quickly searched and compared. The taxonomy is specially designed to a computer.

As to claim 14, McClendon et al. teaches wherein updated specification is attached to product pricing in as the taxonomy provides updates to users on demand or periodic basis(col. 2 lines 63-65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made or used to modify the teachings of Riley et al. with the teachings of Rushton et al. because Rushton et al. teaches providing a system and method for identifying and organizing construction product information in such a way that product data sets are readily defined and recorded, quickly searched and compared. The taxonomy is specially designed to a computer.

As to claim 15, Riley et al. teaches wherein the root product with the attached generic specification comprises a generic product in which the product descriptions are stored in database in the form of hierarchical tree or taxonomy(col. 6 lines 21-24).

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Riley et al. in view of Rushton et al. and further in view of Perkowski (5,950,173).

Riley et al., Rushton et al. and McClendon et al. teach the claimed invention(claim 1) see paragraph number 6 above.

As to claim 13, Perkowski teaches wherein said information includes product manufactured date in which the manufacture's data(col. 1 lines 38-60).



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It would have been obvious to one of ordinary skill in the art at the time the invention was made or used to modify the teachings of Riley et al. with the teachings of Perkowski because Perkowski teaches a taxonomy system of products organized in database by categories which is the same as the taxonomy system taught in Riley et al.

### ***Response to Arguments***

8. Applicant's arguments filed 5/9/09 have been fully considered but they are not persuasive. It seems in a lot of the arguments presented the applicant is reading more into his claims than what his claim actually state. A few examples one is where applicant states his claim relates to an "electronic trading system" which nowhere disclosed in any of the claims. Also the statement that "applicant's claim refers to "manufacturing data which is not publicly available" which is not stated in the any claim. Also states "pricing data" refers to "competitive quotes" which is not in the claim. It seems when applicant describes what his claims teach the applicant is putting extra words to make it more specific than what is actually in the claim.

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAD RAPP whose telephone number is (571)272-3752. The examiner can normally be reached on Mon-Fri 11:00-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert DeCady can be reached on (571)272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Albert DeCady/  
Supervisory Patent Examiner, Art Unit 2121

Chad Rapp  
Examiner  
Art Unit 2121

cjr